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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,901	08/27/2003	John Conaway Rush SR.	44501-00045USPT	5072
7590	02/12/2007		EXAMINER	
Alan R. Thiele JENKENS & GILCHRIST, P.C. Suite 3200 1445 Ross Avenue Dallas, TX 75202-2799			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/12/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,901	RUSH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Randall Chin	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____.  | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 28 September 2006.
2. Applicant's election of Fig. 1, claims 1-5, in the reply filed on 28 September 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Specification*

3. The disclosure is objected to because of the following informalities:  
  
In paragraph [0015], the recitation "rotating broom 10" and "rotating broom 110" (which occurs throughout the specification) which should not have the same reference numerals to avoid confusion: In any case, it is suggested to refer to "rotating broom 10" as --rotating broom assembly 10--.

The recitation of "yoke 30" (paragraph [0028]) and "yoke 22" (paragraph [0036]) renders the description confusing since consistent numerals should be used. See also Fig. 1, which shows yoke 30, and Fig. 7 which shows yoke 22. **The drawings must also be consistent for clarity.**

In paragraph [0033], "sealed spherical 95 bearing" should be corrected.

In paragraph [0034], it appears "Figure 6A" should read --Figure 6B-- since there are no rubber float stops 99 shown in Fig. 6A.

In paragraph [0035], line 1, after "that". Insert --the--.

In paragraph [0039], "stationary gooseneck assembly 90" should read --stationary gooseneck assembly 70--.

Also in paragraph [0039], last two lines, the recitation "...of the swinging trunnion assembly 80 the stationary gooseneck assembly 70" is grammatically awkward and should be corrected.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities:

Claim 3, line 3, "said swinging trunnion assembly" lacks proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1744

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by CH 679317 (hereinafter CH '317).

CH '317 discloses a "truck" mounted rotating broom system (Figs. 1 and 2, for example) comprising a rotating broom mounting and control assembly 2, a support structure (Fig. 5) mounted to the truck, and a non-rigid connection 8 or 11 therebetween.

As for claim 2, said support structure includes a substantially stationary "gooseneck assembly" 24 and a swinging trunnion assembly 8 rotatably connected to said substantially stationary gooseneck assembly 24.

As for claim 3, said non-rigid connection includes a floating beam 9 or 10 (Fig. 2) and a "four bar connection" defined by "bars" 8, 8 and 11, 11 between said swinging trunnion assembly 8 and said floating beam 9 or 10.

As for claim 5, said non-rigid connection defines or includes a multiple link attachment mechanism as just set forth above for claim 3.

To avoid a redundant rejection, claim 4 is rejected similarly as above. It will be added that there is a means for controlling position of the swinging trunnion assembly with respect to the gooseneck assembly at the distal end of bar 8" (i.e., at rotation axis 12).

***Conclusion***

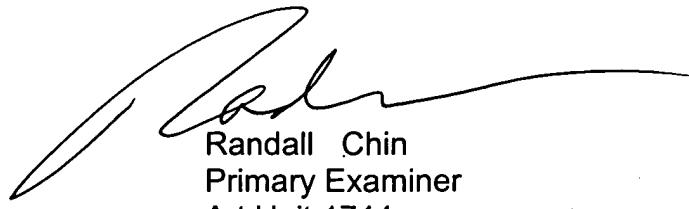
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Smith, Jackson, Barker, Miller, Geyer, and DE '080 are relevant to various truck or vehicle mounted brush systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 1744



Randall Chin  
Primary Examiner  
Art Unit 1744